

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOSE LORENZO AMAYA ALEMAN,

Petitioner,

v.

CRAIG LOWE, *et al.*,

Respondents.

No. 3:20-CV-00448

(Judge Brann)

(Magistrate Judge Saporito)

ORDER

APRIL 27, 2020

Jose Lorenzo Amaya Aleman, an individual previously detained by the United States Department of Homeland Security, Immigration and Customs Enforcement, filed this 28 U.S.C. § 2241 petition challenging the legality of his detention pending his removal from the county.¹ Aleman later filed a motion for a temporary restraining order.² On April 6, 2020, Magistrate Judge Joseph F. Saporito, Jr., issued a Report and Recommendation recommending that this Court deny as moot the motion for a temporary restraining order and dismiss as moot Aleman's petition, as Aleman has been removed from the United States.³ No timely objections were filed to this Report and Recommendation.

¹ Doc. 1.

² Doc. 3.

³ Doc. 11.

Where no objection is made to a report and recommendation, this Court will review the recommendation only for clear error.⁴ Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the findings or recommendations made by the magistrate judge.⁵ After reviewing the record, the Court finds no error—clear or otherwise—in Magistrate Judge Saporito’s conclusion that this Court may no longer grant the requested relief, and that Aleman’s § 2241 petition is therefore moot. Accordingly, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge Joseph F. Saporito, Jr.’s Report and Recommendation (Doc. 11), is **ADOPTED**;
2. Aleman’s motion for a temporary restraining order (Doc. 3) is **DENIED** as moot;
3. Aleman’s 28 U.S.C. § 2241 petition (Doc. 1) is **DISMISSED** as moot; and
4. The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann
United States District Judge

⁴ Fed. R. Civ. P. 72(b), advisory committee notes; *see Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that court should in some manner review recommendations regardless of whether objections were filed).

⁵ 28 U.S.C. § 636(b)(1); Local Rule 72.31.